

## REMARKS

### *The Pending Claims*

Claims 1-28 are currently pending. Claims 1-16 are directed to a retainer clip for retaining a flanged sink to a countertop. Claims 17-28 are directed to the combination of a sink and a plurality of retainer clips. Reconsideration of the pending claims is respectfully requested. For the convenience of the Examiner, a separate document setting forth the text of the pending claims is enclosed herewith at Appendix B.

### *The Amendments to the Claims*

The claims are amended to point out more particularly and claim more distinctly the subject matter of the invention. Specifically, independent claims 1 and 17 have been amended to clarify that the retainer clip of the invention is intended to function with a flanged sink in which the flange seats against a countertop (*see, e.g.*, page 4, lines 22-23). Independent claims 1 and 17 are further amended to point out that the ratchet face includes a front face having a plurality of detents (*see, e.g.*, page 5, lines 1-2). Amended claims 1 and 17 are fully supported by the originally filed disclosure and, as such, no new subject matter has been added by way of these amendments. A separate document setting forth the precise changes to the claims is enclosed herewith at Appendix A.

### *Summary of the Office Action*

Applicants acknowledge, with appreciation, the indication that claims 13-16 are allowed and that claims 6-12 and 21-28, though objected to, would be allowable if rewritten to include the limitations of their respective base claims and any intervening claims.

The Office Action rejects claims 1-5 and 17-20 under 35 U.S.C. § 102(b) on the basis that these claims are anticipated by U.S. Patent 5,653,550 ("Mutz et al. '550"). Additionally, claims 1-2, 5 and 17-18 stand rejected under 35 U.S.C. § 102(b) on the basis that these claims are anticipated by U.S. Patent 3,229,310 ("Ensch '310").

### *Discussion of Anticipation Rejections*

Applicants respectfully submit that the revised pending claims are not anticipated by the cited prior art. In this respect, Applicants note that a claim is anticipated only if each and every element as set forth in the claim is disclosed in the cited prior art reference. *See, e.g.*, M.P.E.P. § 2131.01. Furthermore, the elements must be arranged as required by the claims. *See, e.g., id.* Applicants submit that neither the Mutz et al. '550 or Ensich '310 references disclose all the elements of the pending claims, and that the pending claims are patentable thereover.

The Mutz et al. '550 reference is directed to a retaining clamp having a retaining leg attached to the border of a work surface and two clamping legs extending therefrom in a U-shaped configuration. Latching teeth are located on the outmost clamping leg and angled back toward the retaining leg, and hence the work surface. To fasten the sink, a J-shaped retaining web is attached to the sink so that the bent portion of the web faces away from the work surface. The J-shaped retaining web is then inserted into the U-shaped retaining clamp so that the bent portion of the retaining web engages the latching teeth.

The retaining clamp of the Mutz et al. '550 reference is fundamentally different than the claimed ratchet plate of amended claims 1 and 17. First, the Mutz et al. '500 reference does not disclose a ratchet plate including a front face having a plurality of detents. Instead, the latching teeth of the Mutz et al. '550 reference are offset by the retaining clamp and angled back toward the work surface. Secondly, there is no suggestion within the Mutz et al. '550 reference to move the latching teeth from the outermost clamping leg to the retaining leg attached to the boarder of the work surface because, to cooperate with the J-shaped retaining web, the latching teeth must be located on the outermost clamping leg. Since the Mutz et al. '550 reference does not disclose or suggest a ratchet plate including a front face having a plurality of teeth, it cannot anticipate or render obvious claims 1 and 17.

The Enschr '310 reference is directed to an apparatus for supporting a sink within a cabinet top opening. The apparatus includes a frame which, in effect, overlaps the edge of the cutout and has a first lip that extends over the sink rim and a second lip that extends over the cabinet top. Projecting downward from the frame between the sink and cabinet wall is a web to which is attached a plate having teeth. The plate and teeth are arranged on the cabinet side of the web. When inserted between the sink and web, the teeth engage a locking clip located on the wall of the cabinet top that includes sinkwardly directed springable flanges. Also attached to the web on the side opposite the plate is an arm that projects under the rim of the sink and through which a bolt can pass to pull the sink against the frame.

The invention of claims 1 and 17 is distinguished from the apparatus of Enschr '310. First, Enschr '310 does not disclose a ratchet plate including a front face having a plurality of detents mounted to the countertop, or a pawl mounted to the sink. Instead, the apparatus of Enschr '310 discloses the plate and teeth arranged on the cabinet top side of the web and sinkwardly directed spring flanges extending from the locking clip attached to the cabinet wall. Since Enschr '310 does not disclose a ratchet plate having a plurality of teeth mounted to the edge of a countertop or a pawl mounted to a sink, it cannot anticipate amended claims 1 and 17.

Moreover, the apparatus of Enschr '310 is not intended for nor can it be used in conjunction with a flanged sink in which the flange seats against the counter top. Instead the

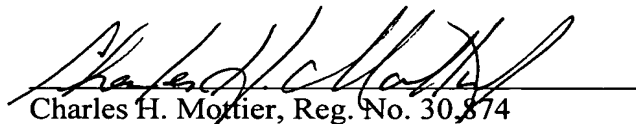
frame of the Ensich '310 apparatus seats on the counter top and the web is inserted between the sink rim and the cabinet wall to support the sink within the cut out. Since the device disclosed in the Ensich '310 reference cannot be used with a flanged sink in which the flange seats against the countertop, it cannot anticipate or render obvious claims 1 and 17.

Since the cited references neither disclose nor suggest the retainer clip recited in pending claims 1 and 17, they cannot anticipate or render obvious those claims. Furthermore, since claims dependent upon a claim that is not anticipated by a reference cannot be rejected under 35 U.S.C. § 102(b), Applicants submit that the rejections of dependent claims 2-5 and 18-20 are traversed and should be withdrawn.

*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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